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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 GABRIEL SMITH,

10 Plaintiff,

CASE NO. C19-1003-RSL-MAT

11 v.

12 DREAM FORGE ENTERTAINMENT LLC,
13 et al.,

ORDER RE: FIRST MOTION TO
DISMISS AND AMENDED
COMPLAINT

14 Defendants.
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16 Plaintiff initiated this matter with a complaint filed on June 27, 2019. (Dkt. 1.) Defendants
17 filed a Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6) in lieu of an answer.
18 (Dkt. 13.) Plaintiff responded to defendants' motion with an amended complaint (Dkt. 15), timely
19 submitted pursuant to Rule 15(a)(1)(B), as well as a response deeming defendants' motion moot
20 in light of the amended pleading (Dkt. 16). Defendants subsequently filed a Motion to Dismiss
21 the First Amended Complaint. (Dkt. 17.)

22 As plaintiff observes in the response to defendants' first motion, the filing of an amended
23 complaint supersedes the original complaint and renders it without legal affect. *Lacey v. Maricopa*

1 Cnty., 693 F.3d 896, 927 (9th Cir. 2012); *see also see also Valadez-Lopez v. Chertoff*, 656 F.3d
2 851, 857 (9th Cir. 2011) (“[I]t is well-established that an amended complaint supersedes the
3 original, the latter being treated thereafter as non-existent.”). The Court, as such, herein STRIKES
4 as moot defendants’ first Motion to Dismiss. (Dkt. 13.) Defendants’ Motion to Dismiss the First
5 Amended Complaint (Dkt. 17) remains pending and will be addressed by the Court. The Clerk is
6 directed to send a copy of this Order to the parties.

7 DATED this 25th day of October, 2019.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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